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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,256	03/23/2004	Kazuhiro Shimawaki	4468-012B	1914
7055 7590 01/23/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER PERILLA, JASON M				
ART UNIT 2611		PAPER NUMBER		
NOTIFICATION DATE 01/23/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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### Office Action Summary

**Application No.**

10/06,256

**Applicant(s)**

SHIMAWAKI, KAZUHIRO

**Examiner**

JASON M. PERILLA

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,5,9,10,14,15,19 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4,5,9,10,14,15,19 and 20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/712,844.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 4, 5, 9, 10, 14, 15, 19, and 20 are pending in the instant application.

***Response to Amendment/Comment***

2. The Applicant's Appeal Brief, filed October 28, 2008, has been fully considered. In view of the Applicant's arguments, the finality of the office action of October 29, 2007 has been withdrawn and a new ground of rejection are set forth below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 9, 10, 14, 15, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Masumoto et al (U.S. Pat. No. 5809094; "Masumoto" – previously cited) in view of Abe et al (U.S. Pat. No. 6990160; "Abe" – newly cited).

Regarding claim 1, Masumoto discloses a reception data synchronizing apparatus according to figure 1, for a synchronization to be obtained between reception data (input to "DATA BUFFER" 1) having a plurality of synchronism patterns and expectation data or "a predetermined offset word" as an expected value of the reception data (col. 4, lines 1-5), comprising: a phase recording means (5, 6) for recording second synchronism pattern detecting timing (6) at which a second of the plurality of the synchronism patterns is detected in the reception data and a first synchronism pattern detecting timing (5), as an initial one at which a first of the plurality of synchronism

patterns is initially detected in the reception data (col. 4, lines 59-65; col. 5, lines 4-11); a timing generating means (8) for generating a timing for decision; and a collation and synchronism decision means (2) for collating the reception data with the expectation data or "predetermined offset word" to decide whether or not the reception data is consistent in phase with the expectation data according to the timing for decision (col. 4, lines 1-5), wherein the timing for decision is the first synchronism pattern detecting timing before the collation and synchronism decision means collates the reception data with the expectation data (col. 5, lines 4-11), and wherein the timing for decision is a timing obtained by replacing the first synchronism pattern detecting timing with the second synchronism pattern detecting timing recorded in the phase recording means (5, 6), when the collation and synchronism decision means gives a decision for inconsistency in phase (col. 6, line 24 – col. 7, line 50). Masumoto discloses a synchronization apparatus wherein input data is correlated with a known "predetermined offset word" or expected synchronism pattern. Once a first synchronization timing is made according to a match with the "predetermined offset word" by the collation decision means (2), the timing is stored in the "MAIN SYNCHRONIZATION DETECTION CIRCUIT" (5) as a first timing of the synchronism timing. Thereafter, when a second synchronization timing is determined by the decision means (2), it is stored in the "SUBORDINATE SYNCHRONIZATION DETECTION CIRCUIT" (fig. 1, ref. 6; col. 5, lines 4-10) as a second timing of the synchronism timing. Finally, in the case that the first timing is determined to be incorrect, the timing generation means (8) of the apparatus

switches from the first "MAIN" timing to the second "SUBORDINATE" timing (col. 6, lines 3-10).

Although Masumoto discloses a phase recording means recording each of the first and second timings, a "phase *difference* recording means" for recording a phase timing difference between the first and second timings is not disclosed. Furthermore, Masumoto discloses switching between the first and second synchronization timings if a finding of phase inconsistency is made rather than shifting the first synchronism timing by the phase difference between the first and second timings. Hence, the difference between the prior art reference Masumoto and the instant application is only that the instant application records a "difference" between two timings while Masumoto records each of the timings individually. Thereafter, when an "inconsistency in phase" is determined (that is, the first timing is found to be incorrect) the prior art reference Masumoto replaces the recorded first timing with the recorded second timing while the instant application discloses shifting the first timing by the difference between the first and second timings. However, Abe discloses (1) determining a first timing, (2) determining a phase difference between a first timing and a second timing, and (3) switching between the first and second timings using the phase difference (col. 22, lines 35-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made that the apparatus of Masumoto could store (1) a first synchronization timing and (2) a phase difference between the first synchronization timing and a second synchronization timing as suggested by Abe because it may permit the implementation of Masumoto's invention with less cost or

more speed. Moreover, the modification of Matsumoto's invention according to the suggestions of Abe would be well within the level of ordinary skill of one in the art and would lead only to routine and expected results.

Regarding claims 5, 9, 10, 14, 15, 19, and 20, the limitations of the claims are disclosed by Matsumoto in view of Abe as applied in claim 4 above.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. PERILLA whose telephone number is (571)272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2611

/Jason M Perilla/  
Art Unit 2611  
January 20, 2009

/jmp/

/Chieh M Fan/  
Supervisory Patent Examiner, Art Unit 2611